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10/089,007	09/19/2002	Richard M Gooch	JEN-005	4623

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SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

EXAMINER	
BESROUR, SAOUSSEN	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,007	GOOCH, RICHARD M	
	Examiner	Art Unit	
	Saoussen Besrour	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-20 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8, 10-20 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 September 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/5/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to preliminary amendment filed 9/19/2002. Claims 1-8 and 10-20 were amended. Claims 9 and 21-25 were cancelled. New claim 26 was added. Claims 1-8, 10-20 and 26 are pending.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under U.S.C. 119(a)-(d).

Specification

5. The abstract of the disclosure is objected to because:

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Claim Objections

6. **Claim 14 and 18** are objected to because of the following informalities:

As per **claim 14**, replace "bing" with "being".

As per **claim 18**, replace "firs" with "first".

Appropriate corrections required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1, 18 and 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 1 and 18**, the term "substantially" in claim 1 and 18 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of this examination, examiner will assume the broadest reasonable interpretation.

Claim 20 recites the limitation "said read operation" in line 6. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, examiner will interpret "said read operation" to mean "said control data".

Claims 2-8, 26, 10-17 and 19 are also rejected because they incorporate matter of their base claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1, 2, 3, 4, 6, 7, 8, 26, 12, 13, 18, 19 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Ishiguro et al. (U.S. Patent No. 5,917,910).

As per **claim 1**, Ishiguro et al. discloses: a first data set of source data and control data residing on the storage medium and written on a block by block basis, said source data being modified in accordance with said control data to generate an intermediate set of modified data when said source data is copied by equipment adapted to read data on a block by block basis (Column 4, Lines 11-23; 39-51 and Column 5, Lines 3-16); and second data associated with said first data set, said second data set being provided to enable modifications made, or modifications that otherwise would be made, to said first data set to generate said intermediate data set upon copying of said signal by said equipment, to be at least substantially negated (Column 5, Lines 27-30).

As per **claim 18**, Ishiguro et al. discloses: inserting control data into first data set of source data, and providing in association with said first data set a second data set, wherein upon copying of said signal by equipment adapted to read data from said carrier on a block by block basis said source data is modified accordance with said control data to generate an intermediate set of modified data, and said second data set is provided to enable modifications made or modifications that otherwise would be made to said firs data set upon copying thereof to be at least substantially negated.

As per **claim 2**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: access to said second data set is apart from the storage medium (Column 5, Liners 31-33).

As per **claim 3**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: said second data set is encrypted, access said second data set only being permitted once the second data set has been decrypted with an appropriate key (Column 5, Lines 4-6 and 47-57).

As per **claim 4**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: said intermediate data set is degraded with respect to said first data set (Column 4, Lines 11-23 and 39-45).

As per **claim 6**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: said source data comprises at least one of audio and video data (Column 3, Lines 45-52).

As per **claim 7**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: the second data set comprises an encrypted copy of at least part of said source data (Column 5, Lines 4-16, 47-57).

As per **claim 8**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: he second data set comprises an encrypted and compressed copy of the whole of said source data (Column 5, Lines 4-16 and 47-57).

As per **claim 26**, rejected as applied to claim 1. Furthermore, Ishiguro et al. discloses: wherein the arrangement is recorded on a data carrier (Column 5, Lines 3-16).

As per **claim 12**, rejected as applied to claim 26. Furthermore, Ishiguro et al. discloses: the control data comprises modified table of contents (TOC) data that incorrectly specifies a starting address of said source data on said carrier (Column 4, Lines 28-65).

As per **claim 13**, rejected as applied to claim 12. Furthermore, Ishiguro et al. discloses: the second data set comprises TOC data that correctly specifies a starting address of said source data on said carrier (Column 5, Lines 31-40).

As per **claim 19**, rejected as applied to claim 18. Furthermore, Ishiguro et al. discloses: a data carrier with the control data and the first data set with data written on a block by block basis, then copying data from the carrier by means of a copy operation by equipment adapted to read data from said carrier on a block by block basis, the copying causing said intermediate data set to be generated, accessing said second data set to retrieve data therefrom, and applying said retrieved data from said second

data set to said intermediate data set to reverse modifications made in accordance with said control data upon copying of said signal. (Column 4, Lines 11-23; 39-51 and Column 5, Lines 3-16, Lines 27-58).

As per **claim 20**, rejected as applied to claim 18. Furthermore, Ishiguro et al. discloses: recording the first data set and the control data on a data carrier, the carrier readable on equipment adapted to read data from said carrier on a block by block basis, copying data from said second data set, modifying said read operation in accordance with said data copied from said second data set, and copying data from said first data set using the modified reading operation (Column 5, Lines 3-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 5, 10, 11, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiguro et al. (U.S. Patent No. 5,917,910) in view of Blixt (WO 98/52194).

As per **claim 5**, rejected as applied to claim 1. Ishiguro et al. substantially teaches a first data set of source data and control data residing on the storage medium and written on a block by block basis, said source data being modified in accordance

with said control data to generate an intermediate set of modified data when said source data is copied by equipment adapted to read data on a block by block basis; and second data associated with said first data set, said second data set being provided to enable modifications made, or modifications that otherwise would be made, to said first data set to generate said intermediate data set upon copying of said signal by said equipment, to be at least substantially negated. Not explicitly disclosed is the control data is such that copying of source data without generation of said intermediate data set is enabled when said digital data signal is copied by data reading equipment operable to stream data from a data signal. However, Blixt discloses: the control data is such that copying of source data without generation of said intermediate data set is enabled when said digital data signal is copied by data reading equipment operable to stream data from a data signal (page 10, Lines 15-35). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Blixt in conjunction with the teachings of Ishiguro et al. for the benefit of a data processing arrangement that renders certain portions of the data storage medium inaccessible by a data storage medium reading device.

As per **claim 10**, rejected as applied to claim 26. Ishiguro et al. substantially teaches a digital data arrangement according to claim 1, wherein the arrangement is recorded on a data carrier. Not explicitly disclosed is the data carrier has control data comprising one or more computer program software portions which when executed in an execution environment cause said carrier to be treated incorrectly as a carrier of another type. However, Blixt discloses: the data carrier has control data comprising one

or more computer program software portions which when executed in an execution environment cause said carrier to be treated incorrectly as a carrier of another type (Page 11, Lines 1-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Blixt in conjunction with the teachings of Ishiguro et al. for the benefit of a data processing arrangement that renders certain portions of the data storage medium inaccessible by a data storage medium reading device.

As per **claim 11**, rejected as applied to claim 10. The combined references Ishiguro et al. and Blixt substantially teach the apparatus of claim 26 wherein the data carrier has control data comprising one or more computer program software portions which when executed in an execution environment cause said carrier to be treated incorrectly as a carrier of another type. Furthermore, Blixt discloses: the second data set comprises one or more computer program software portions which when executed in an execution environment correctly identify the type of said carrier (Page 6, Lines 20-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Blixt in conjunction with the teachings of Ishiguro et al. for the benefit of a data processing arrangement that renders certain portions of the data storage medium inaccessible by a data storage medium reading device.

As per **claim 14**, rejected as applied to claim 26. Ishiguro et al. substantially teaches a digital data arrangement according to claim 1, wherein the arrangement is recorded on a data carrier. Not explicitly disclosed is the control data comprises timing

data associated with respective portions of said source data, at least part of said timing data bing recorded non-monotonically on said carrier. However, Blixt discloses: is the control data comprises timing data associated with respective portions of said source data, at least part of said timing data bing recorded non-monotonically on said carrier (Page 6, Lines 26-Page, Lines 5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Blixt in conjunction with the teachings of Ishiguro et al. for the benefit of a data processing arrangement that renders certain portions of the data storage medium inaccessible by a data storage medium reading device.

As per **claim 15**, rejected as applied to claim 14. The combined references Ishiguro et al. and Blixt substantially teach the control data comprises timing data associated with respective portions of said source data, at least part of said timing data bing recorded non-monotonically on said carrier. Furthermore, Blixt discloses: the second data set comprises monotonically recorded timing data associated with respective portions of said source data (Page 6, Lines 36-Page 7, Lines 5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Blixt in conjunction with the teachings of Ishiguro et al. for the benefit of a data processing arrangement that renders certain portions of the data storage medium inaccessible by a data storage medium reading device.

10. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiguro et al. (U.S. Patent No. 5,917,910) in view of Newman (WO 98/54713).

As per **claim 16**, rejected as applied to claim 26. Ishiguro et al. substantially teaches a digital data arrangement according to claim 1, wherein the arrangement is recorded on a data carrier. Not explicitly disclosed is the control data introduces errors at predetermined points in said intermediate data set upon reading of said signal using equipment adapted to read data on a block by block basis. However, Newman discloses: the control data introduces errors at predetermined points in said intermediate data set upon reading of said signal using equipment adapted to read data on a block by block basis (Page 6, lines 8-12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Newman in conjunction with the teachings of Ishiguro et al. for the benefit of providing a system for copy protecting record carriers that does not rely on variations of physical parameters, while the making the usable copies on writable information carriers is counteracted.

As per **claim 17**, rejected as applied to claim 16. The combined references Ishiguro et al. and Newman substantially teach the apparatus according to claim 26, wherein the control data introduces errors at predetermined points in said intermediate data set upon reading of said signal using equipment adapted to read data on a block by block basis. Furthermore, Newman discloses: said second data set comprises portions of source data which may be used to replace said error inducing control data (Page 6, Lines 27-page 7, Lines 1). Therefore, it would have been obvious to one with

ordinary skill in the art at the time the invention was made to use the teachings of Newman in conjunction with the teachings of Ishiguro et al. for the benefit of providing a system for copy protecting record carriers that does not rely on variations of physical parameters, while the making the usable copies on writable information carriers is counteracted.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aucsmith (U.S. Patent 5,915,018) –crypto system used for secure distribution and management of keys for use in DVD copy protection

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB
April 5, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

CR 4/9/06